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Message Text

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PAGE 01 HAMBUR 01116 142200Z
ACTION SCS-06

INFO OCT-01 ISO-00 /007 W
----------030259 152021Z /15
R 140930Z SEP 78
FM AMCONSUL HAMBURG
TO SECSTATE WASHDC 4925
INFO AMEMBASSY BONN
AMCONSUL BREMEN

UNCLAS HAMBURG 1116

E.O. 11652: N/A
TAGS: CGEN
SUBJECT: TRANSMITTING LETTERS ROGATORY IN THE MATTER OF
DYMO INDUSTRIES, INC. V. MONARCH MARKING SYSTEMS, INC.

REF: (A) STATE A-2874, (B) BONN 13196

1. HAMBURG RECEIVED A-2874 WITH ENVELOPE CONTAINING LETTERS ROGATORY FOR GERMAN AUTHORITIES AND CHECK FOR $100.00 AND LETTERS ROGATORY WITH GERMAN TRANSLATION (GESUCH AN DIE ZUSTAENDIGE BEHOERDE IN DER BUNDESREPUBLIK DEUTSCHLAND) FOR PARTY RESIDING IN CELLE. LETTERS ROGATORY WERE NOT FORWARDED TO AMTSGERICHT CELLE (LOCAL COURT) SINCE PROPOUNDED QUESTIONS WERE NOT INCLUDED. EMBASSY BONN HAD PREVIOUSLY ALSO NOT RECEIVED QUESTIONS (BONN REFTEL).

2. WE OBTAINED THE FOLLOWING INFORMATION FROM THE AMTSGERICHT IN CELLE: THE DECISION ON GRANTING JUDICIAL ASSISTANCE DEPENDS ON PRIOR SUBMISSION TO THE COURT OF SUBJECT OF DEPOSITION AND OF INTERROGATORIES IN ORDER FOR THE COURT TO EXERCISE ITS CUSTOMARY FUNCTION OF ITSELF PUTTING THE QUESTIONS, SINCE PART OF THE COURT'S RESPONSIBILITY IS TO AVOID IMPERMISSIBLE QUESTIONS. IN GERMAN COURTS THE QUESTIONS ARE NORMALLY ASKED BY THE JUDGE AND NOT BY THE ATTORNEY.

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3. IN THE ABSENCE OF A JUDICIAL TREATY BETWEEN THE UNITED STATES AND THE GERMAN FEDERAL REPUBLIC, THE AMTSGERICHT WILL NOT BE IN A POSITION TO COMPEL THE DEPONENT TO TESTIFY IN THIS CIVIL MATTER. THE DEPONENT'S TESTIMONY CAN ONLY BE OBTAINED ON A VOLUNTARY BASIS.

4. CONGEN ALSO TELEPHONED MR. WILHELM VOIGT IN CELLE WHO

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INFORMED US THAT HE IS BASICALLY WILLING TO TESTIFY, PROVIDED HE RECEIVES COMPENSATION. MR. VOIGT ASKED US TO INFORM ATTORNEY JOSEPH YANNY THAT HE COULD DISCUSS THIS MATTER DIRECTLY WITH HIM.

5. CONOFF AWAITING FURTHER INSTRUCTIONS. KISELYAK

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 14 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780376-0963
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From: HAMBURG
Handling Restrictions: n/a
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
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Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE A-2874, 78 BONN 13196
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1437258
Secure: OPEN
Status: NATIVE
Subject: TRANSMITTING LETTERS ROGATORY IN THE MATTER OF DYMO INDUSTRIES, INC. V. MONARCH MARKING SYSTEMS, INC.
TAGS: CGEN
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/e769b350-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014